

Delta water compact called risky but necessary

By VIC POLLARD
 Californian Sacramento bureau

SACRAMENTO — For years, as environmentalists escalated their demands for water to protect declining fish species in the Sacramento-San Joaquin Delta, the Kern County Water Agency fought them at every turn.

At stake were precious supplies of water for up to 600,000 acres of

Kern County farm land, and the KCWA was fiercely dedicated to fighting for every drop it could get.

But when a landmark agreement that allows 1.1 million acre-feet of water to be reserved for environmental protection in the Delta in dry years was unveiled last Thursday, the KCWA was one of the key signers and was given credit for playing a pivotal role in the negotia-

tions that produced the terms of the compact.

Therein lies the story of a historic shift in the view of the KCWA board of directors and its manager, Tom Clark, about how to deal with the growing threat to agriculture from enforcement of the endangered species act and other environmental requirements.

In a move that was painful and politically risky, the agency decided to drop its traditional stance as a take-no-prisoners opponent of environmental demands for water and join with urban water agencies in negotiating an agreement that would make the best of a bad situation, explained outgoing board President Peter Frick.

"I think the management (Clark and others) analyzed the situation correctly, that we would have come out with a better deal by cooperating," Frick said. "I think that's very clearly what happened. ... I think we got the best deal we could under the circumstances. It's not what we would have wanted to get if the endangered species act were not there, but given the situation, I think we got the best solution we

► Please turn to DELTA / A2

DELTA: Time to cooperate

► Continued from A1
 could."

There's plenty of second-guessing from farmers and others who would rather preserve Kern County's position as an unyielding advocate for its legal rights to water in the Delta.

"We still have a lot of pressure in the county (from people who say) that's what we should have done," Frick said.

Frick, Clark and others are not enthusiastic about the agreement's dry-year requirement for the State Water Project and the federal Central Valley Project to give up 1.1 million acre-feet of water, almost equal to the KCWA's full entitlement from the state project. But without that sacrifice, they said, they would have been unable to win their chief goal, a predictable water supply and a halt in the ever-rising demands for more water for fish.

Clark said the agency came to its decision to join in the negotiation process slowly and quietly, after developing its own comprehensive proposal for Delta protection earlier this year.

"The instruction we got (from the board) was to permit (Sacramento consultant) Dave Schuster and the other consultants to work behind the scenes on our plan, but we as a board would not adopt such a plan until we were absolutely convinced that the federal agencies would weigh in," Clark said.

The key obstacle was the reluctance of federal wildlife agencies to guarantee not to require more water in the future for new or existing species if they were assured of a specified amount of water up front.

In late summer, KCWA and other agricultural agencies, prodded by Dan Nelson, manager of the San Luis and Delta Mendota Water Authority, began meeting with officials of the California Urban Water Agencies, two groups which had been at odds for some time.

By November, that produced what was known as the CUWA-ag or ag-urban proposal, which Clark said was about half made up of the Kern proposal.

Then began a series of hard-nosed bargaining sessions between the ag-urban coalition, environmentalists and federal and state water and environmental agencies. The deadline facing everyone was Dec. 15, when the U.S. Environmental Protection Agency was required to impose clean-water standards for the Delta under an environmental lawsuit.

By Monday, Dec. 12, most parties felt that they were too far apart to reach an agreement by the 15th, but Clark said Assistant U.S. Interior Secretary Betsy Rieke had urged them to continue trying. The participants, with Schuster representing Kern County, kept at it in a three-day negotiating marathon that finally produced the agreement by Wednesday evening.

KCWA's role was to be the stubborn defender of the ag-urban plan's predictable limit on water requirements for the environment. If it had walked out on the talks, the agreement's future would have been doubtful because the Kern agency purchases one-fourth of the state project's output.